GOA STATE INFORMATION COMMISSION

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Shri. Sanjay N. Dhavalikar, State Information Commissioner

Appeal No. 202/2021/SIC

Shri Jawaharlal T. Shetye,
H.No. 35/A, Ward No. 11, Khorlim,
Mapusa-Goa, 403507 ..... Appellant

v/s

1. The Public Information Officer (PIO),
Mapusa Municipal Council,
Mapusa-Goa, 403507

2. The First Appellate Authority(FAA),
The Chief Officer,
Mapusa Municipal Council,
Mapusa-Goa, 403507 ..... Respondents

Filed on : 20/08/2021
Decided on: 25/02/2022

Relevant dates emerging from appeal:

RTI application filed on	: 27/04/2021
PIO replied on	: Nil
First appeal filed on	: 31/05/2021
FAA order passed on	: Nil
Second appeal received on	: 20/08/2021

O R D E R

1. Aggrieved by non furnishing of the information by respondent No. 1 Public Information Officer (PIO) and non hearing of the appeal by respondent No. 2 First Appellate Authority (FAA), within the stipulated period as mandated by the Right to Information Act, 2005 (for short, the Act), the appellant has filed second appeal under section 19(3) of the Act. The appellant prays for information, award of compensation, and penal action under section 20 of the Act against the PIO.

2. The appeal was registered on 20/08/2021 and notice was issued to the concerned parties. Pursuant to the notice, appellant appeared in person only once on 18/10/2021 and later chose to remain

absent, nor filed any submission. PIO appeared before the Commission and filed reply on 15/11/2021 with a copy for the appellant. However, appellant has not collected the same till date.

3. PIO stated in his reply that the application dated 27/04/2021 was not received by him from the Administration section of Mapusa Municipal Council. He was unaware of the said application till second appeal was filed since the first appeal was not heard by the FAA. The PIO further stated that he has now furnished the information before the Commission, based on the application attached with the appeal memo of the second appeal, which he received during the present proceeding.

4. Upon perusal of the records, it is seen that the appellant is aggrieved and filed the second appeal as neither the information is furnished to him by the PIO, nor the appeal is heard by the FAA. However it is noted by the Commission that though the application was filed on 27/04/2021, the PIO came to know about the same only after receiving notice of the Commission and on receipt of appeal memo on 18/10/2021. The PIO undertook to furnish the information and accordingly furnished the same before the Commission on 15/11/2021. Therefore, in the opinion of the Commission, the PIO cannot be held guilty for delay in furnishing of information.

5. On the contrary, it is observed that the appellant stopped attending the proceeding. Opportunities were provided to him to contest the claims of PIO as well as to argue the matter. Rule 7(2) of the Goa State Information Commission (Appeal Procedure) Rules, 2006 provide that appellant may opt not be present. However, the appellant in the present matter is a regular appellant, who has filed many appeals before this Commission and was present during the period for other appeals before the

Commission. Yet, appellant remained absent consecutively on four occasion in the present appeal. Hence the Commission concludes that the appellant is no more interested in the said information. In such a situation present proceeding becomes infructuous and the appeal needs to be decided accordingly.

6. Thus, the appeal is disposed with the following order:-

a) The appellant, if he is still interested in the information may collect the same from the registry, filed by the PIO alongwith the reply, within 10 days from the receipt of this order.

b) All other prayers are rejected.

Proceeding stands closed.

Pronounced in the open court.

Notify the parties.

Authenticated copies of the order should be given to the parties free of cost.

Aggrieved party if any, may move against this order by way of a Writ Petition, as no further appeal is provided against this order under the Right to Information Act, 2005.

Sd/-

(**Sanjay N. Dhavalikar**)
State Information Commissioner
Goa State Information Commission,
Panaji-Goa